

RECEIPT #  
150STAMPS ISSUED 6/1  
LOCAL RULE 4.1  
WAIVER FORM  
MCF ISSUED  
BY DPTY. CLK.  
DATE 11-5-04UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

JOHN NEVULIS  
Plaintiff,

v.

CITY OF BOSTON  
Defendant.

DISTRICT OF MASS.

MAGISTRATE JUDGE

*Collings***NOTICE OF REMOVAL**

(Pursuant to 28 U.S.C. §1441)

The Defendant, City of Boston, petitions, pursuant to 28 U.S.C. §1441, for removal from the Boston Municipal Court Department of the Trial Court for Civil Business Central Division of the Commonwealth of Massachusetts the action entitled John Nevulis v. City of Boston, currently pending in Boston Municipal Court Civil Action No. 004348.

1. This action alleges that Defendant City of Boston violated Title II of the Americans with Disabilities Act, 42 U.S.C., § 12101, et. seq. This action clearly “arises under the Constitution treaties or laws of the United States” and is therefore removable under 28 U.S.C. §1441;
2. A fair reading of the facts and theories as a whole make it apparent that federal law and issues are an essential part of the case and therefore, Defendant has the statutory right to remove this action;
3. This Notice of Removal is being filed within thirty (30) days of service upon Defendant, City of Boston.

WHEREFORE, Defendant petitions that this action be removed.

Respectfully submitted,  
DEFENDANT, CITY OF BOSTON,  
By its attorney,

  
Kate Cook-BBO#650698  
Assistant Corporation Counsel  
City of Boston Law Department  
Room 615, Boston City Hall  
Boston, MA 02201  
(617) 635-4099

**CERTIFICATE OF SERVICE**

I, Kate Cook, hereby certify that on this date I served a copy of the foregoing documents upon:  
Francis J. Harney, 6 Beacon Street, Suite 205, Boston, MA 02108.

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kate Cook